

ORDINANCE NO. 13

AN ORDINANCE TO VACATE SO MUCH OF
STREET AS LIES WEST OF WOZNIAK ROAD
ALLEY BETWEEN LOT 19 AND LOT 20, AND
ALLEY BETWEEN LOT 3 AND LOTS 2 AND 5
IN VILLAGE OF NEW DURHAM, INDIANA

WHEREAS, Robert G. Elliott and Barbara H. Elliott, husband and wife, filed their petition with the Board of County Commissioners of La Porte County, Indiana, asking 1.) to vacate a Street (no name given) west of Wozniak Road that is platted to a width of thirty-three (33) feet in width and is more particularly described as:

Commencing at the southeast corner of Lot 6 in the Village of New Durham, as per plat thereof, recorded in Deed Record "Q", Page 565, in the Office of the Recorder of La Porte County, Indiana, thence in a westerly direction along the southern boundary of Lots 6, 5 and 3 to the most southwesterly corner of Lot 3 (also being the southwest corner of Lot 4), thence in a southerly direction across the Street (no name given) west of Wozniak Road to the northwest corner of Lot 18, thence easterly along the northern boundary of Lots 18, 19, 20 and 21 to the northeasterly corner of Lot 21, thence northeasterly across Street (no name given) west of Wozniak Road to the southeast corner of Lot 6, the Place of Beginning.

2.) to vacate alley located between Lot 19, as claimed owners by right of adverse possession, in the Village of New Durham, La Porte County, Indiana and Lot 20, owned by Jeffery R. and Janice K. Bacon and is more particularly described as:

Commencing at the northwest corner of Lot 20 in the Village of New Durham, La Porte County, Indiana, for the Place of Beginning, thence south One Hundred Thirty-two (132) feet along the western boundary of Lot 20 to the southwest corner of Lot 20; thence westerly Twelve (12) feet across the alley to the southeast corner of Lot 19 in the Village of New Durham, La Porte County, Indiana, thence north along the eastern most boundary of Lot 19 One Hundred Thirty-two (132) feet to the northeast corner of Lot 19, thence east Twelve (12) feet across the alley to the northwest corner of Lot 20 to the Place of Beginning.

3.) to vacate alley located between Lot 3 and Lots 2 and 5 and is more particularly described

as:

Commencing at the southeast corner of Lot 3 in the Village of New Durham, La Porte County, Indiana, for the Place of Beginning, thence northerly Two Hundred Ninety-six (296) feet along the easterly boundary of Lot 3 to the northeast corner of Lot 3, also intersecting with the southern most boundary of Highway 2; thence northeasterly Twelve (12) feet across the alley and along the southerly right of way of Highway 2 to the northwest corner of Lot 2 in the Village of New Durham, La Porte County, Indiana; thence south along the western most boundary of Lots 2 and 5 to the southwest corner of Lot 5, thence west Twelve (12) feet across the alley to the southeast corner of Lot 3, the Place of Beginning.

WHEREAS, following the filing of this petition the Board of County Commissioners scheduled a public hearing thereon to be held on this date; and

WHEREAS, the Clerk of the Board of County Commissioners scheduled a public hearing thereon to be held on this date; and

WHEREAS, the Clerk of the Board of County Commissioners of La Porte County, Indiana, did give notice of the filing of this petition and of the hearing thereon by publication in the manner prescribed by Indiana Code 5-3-1-1 et seq, and by certified mail to each owner, other than the petitioners, of land that abuts the property which the petitioners are asking to be vacated; and

WHEREAS, the Board of County Commissioners, as the legislative body of La Porte County, Indiana, have now conducted the public hearing on the petition to vacate and have determined that said Street (no name given) west of Wozniak Road, alley located between Lot 19, as claimed owners by right of adverse possession, and Lot 20, owned by Jeffery R. and Janice K. Bacon and alley located between Lot 3 and Lots 2 and 5 in the Village of New Durham, La Porte County, Indiana should be vacated.

NOW, THEREFORE,

Section 1. Be it and it is hereby ordained by the Board of County Commissioners of La Porte County, Indiana, that the following described real estate situated in the Village of New Durham, La Porte County, State of Indiana, to-wit:

Commencing at the southeast corner of Lot 6 in the Village of New Durham, as per plat thereof, recorded in Deed Record "Q", Page 565, in the Office of the Recorder of La Porte County, Indiana, thence in a westerly direction along the southern boundary of Lots 6, 5 and 3 to the most southwesterly corner of Lot 3, thence in a southwesterly direction across the Street (no name given) west of Wozniak Road to the northwest corner of Lot 18, thence easterly along the northern boundary of Lots 18, 19, 20 and 21 to the northeasterly corner of Lot 21, thence northeasterly across Street (no name given) west of Wozniak Road to the southeast corner of Lot 6, the Place of Beginning.

AND

Commencing at the northwest corner of Lot 20 in the Village of New Durham, La Porte County, Indiana, for the Place of Beginning, thence south One Hundred Thirty-two (132) feet along the western boundary of Lot 20 to the southwest corner of Lot 20; thence westerly Twelve (12) feet across the alley to the southeast corner of Lot 19 in the Village of New Durham, La Porte County, Indiana, thence north along the eastern most boundary of Lot 19 One Hundred Thirty-two (132) feet to the northeast corner of Lot 19, thence east Twelve (12) feet across the alley to the northwest corner of Lot 20 to the Place of Beginning.

AND

Commencing at the southeast corner of Lot 3 in the Village of New Durham, La Porte County, Indiana, for the Place of Beginning, thence northerly Two Hundred Ninety-six (296) feet along the easterly boundary of Lot 3 to the northeast corner of Lot 3, also intersecting with the southern most boundary of Highway 2; thence northeasterly Twelve (12) feet across the alley and along the southerly right of way of Highway 2 to the northwest corner of Lot 2 in the Village of New Durham, La Porte County, Indiana; thence south along the western most boundary of Lots 2 and 5 to the southwest corner of Lot 5, thence west Twelve (12) feet across the alley to the southeast corner of Lot 3, the Place of Beginning.

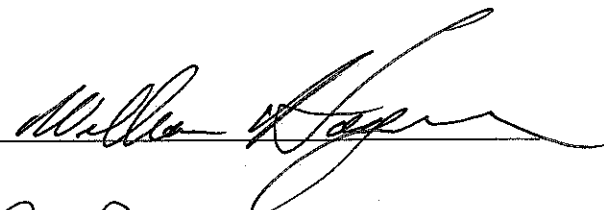
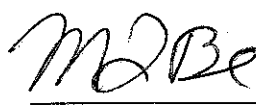
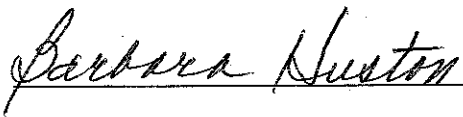
be, and the same is, hereby vacated as a public way, subject however, to the current easements for

public utilities.

Section 2. The Clerk of the Board of County Commissioners of La Porte County, Indiana, shall furnish a copy of this vacation ordinance to the La Porte County Recorder in order that the same may be placed of record in the records of the Recorder's Office, and shall also furnish a copy to the La Porte County Auditor.

APPROVED, this 17th day of June, 2008.

Board of County Commissioners

ATTEST:

La Porte County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

William E. Hedge